

Minutes

Board of County Commissioners Hyde County

January 18, 2011

Chairman Sharon Spencer called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Tuesday, January 18, 2011 in the Hyde County Government Center, Multi-Use Room and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer and Barry Swindell; Interim County Manager Elect, Mazie Smith; Deputy Clerk to the Board Shelley Carawan; County Attorney Fred Holscher; and members of the public. The following members were present on Ocracoke: Commissioners Darlene Styron and Dick Tunnell; Interim County Manager/Clerk to the Board, David Smitherman; Deputy Clerk, Jamie Tunnell and members of the public.

Following the opening prayer given by Commissioner Barry Swindell and the Pledge of Allegiance, the meeting was called to order.

Consideration of the Agenda:

Chairman Spencer asked for any changes to the January 18, 2011 meeting agenda as presented by the Clerk.

Commissioner Byrd made a motion to approve the agenda. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Consideration of Minutes:

Chairman Spencer asked for approval of the January 3, 2011 Regular meeting minutes.

Commissioner Swindell moved to approve January 3, 2011 regular minutes as presented by the Clerk. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Public Hearing:

Noise Ordinance

Chairman Spencer asked that there be a motion made to open the public hearing to the public for comment. Commissioner Swindell made a motion to open the public hearing concerning establishing a noise ordinance. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Comments:

Debbie Wells, a 30-year resident of Ocracoke, lives ¼ mile from establishments featuring amplified music. She stated that hearing amplified music is not a choice if you live in particular areas of Ocracoke. Residents and businesses perform side by side every night of the summer. Wells added that a decibel system would be difficult to enforce. She suggested forming a permitting process for a limited number of performances per season and in return, reducing amplification. She also added that maybe acoustic music would work better.

John Fletcher, a 40 year resident of Ocracoke said that he had never personally been bothered by music and lives 700 feet from one establishment and 1500 feet from another. He stated he felt an ordinance would be hard to enforce. He said the reason people come to Ocracoke is to have a good time and some people want to go hear loud music while doing that. Any ordinance constructed will place a burden on deputies/law enforcement.

Tom Pahl, an eight-year resident of Ocracoke stated that he owns two businesses and that any conflicts shouldn't be resolved with more regulations. Any enforced ordinance must be based on decibel levels. He ended in saying, just ask people to turn the music down.

Kathleen Hornung, Ocracoke, stated that she lives a mile from an establishment where she hears music in her living room and asks the Board to please do something about it.

Marlene Mathews, a lifelong resident of Ocracoke, said that amplified music in a place with no walls should be limited or not allowed because she can't live a normal life.

Len Skinner, a 12 year resident of Ocracoke, lives ¼ quarter mile from open air establishments and hears it every night. He said he is not opposed to music, it just shouldn't be blaring. Some that have used decibel meters must have variables because it is still not acceptable.

Bob Hornung, Ocracoke, said that the music is too loud for his far away neighbors so it is certainly too loud for their patrons.

Gene Ballance, a former County Commissioner who was on the noise ordinance committee on Ocracoke, said the decibel meter is the most legal and fair way to assess volume. He said there must be something used that will hold up in court but the downside is that there are fees and costs for training people how to use the meters.

Ann Ehringhaus, business owner on Ocracoke, stated that the main issues are about freedom and respect. She has been involved with the tourism industry for over 35 years on Ocracoke and is asking for an enforceable noise ordinance and permitting system for nonprofits and businesses. She mentioned that the decibel based system is based on logarithms and doubles every “3”. She also added that the past two years have been unbearable and pleaded with the Board to do something about it.

Warner Passanisi, moved to Ocracoke and built a home, said the community encompasses tourism with open arms. He had an outdoor music venue on Ocracoke and used feedback from neighbors to adjust the noise preferences. The permitting system seemed to be the best policy but he had to end up closing his outdoor music events.

Jack Clark, Ponzer, stated that he lives next to Ponzer Community Center and complained about noise and trash around the center. He has a B&B and guests complain about the noise in return ruins his business. His complaining has lasted for 12 years.

After receiving public comments during the hearing, Chairman Spencer suggested that two Commissioners draft a plan with the County Manager.

Commissioner Byrd made a motion to appoint Ms. Styron and Chairman Spencer to construct a noise ordinance with the County Manager and County Attorney and for it to be presented at next Regular Board Meeting on February 7, 2011. Ms. Styron seconded the motion.

After no further discussion, Commissioner Swindell made a motion to close the public hearing. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Special Presentation:

Early College Report- Dr. Randolph Latimore

Dr. Latimore discussed and updated the Board on the Early College. He explained that it was a concept launched by Bill and Melinda Gates in 2003 and that it was fairly new to North Carolina. Hyde County approved the concept in 2008 and opened the Early College with 20 students. With each year that has passed, an additional 12 students have joined with a total of 37 students participating in the Early College.

The Early College consists of five years of school with the students acquiring many hours of college credit and receiving a two-year associate's degree when they graduate. This is done by working closely with Beaufort Community College through online classes and classroom instruction on campus.

Dr. Latimore also mentioned that by August of 2011, the current Mattamuskeet High School will transition into the Mattamuskeet Early College High School for a total conversion, allowing any student to participate.

Board of Education-Facility Needs Assessment-Dr. Latimore

Dr. Latimore presented to the Board the Facility Needs Assessment that is submitted every 5 years. It is based on long range planning and improvements required to accommodate the projected enrollment of students through the 2015-2016 school year. The Board was asked to review and accept the Assessment.

ABC Board Report and Update

The Board requested that the financials be separated between mainland store and island store and the information wasn't delivered in requested format. No representatives from the ABC Board were present.

Commissioner Styron expressed her disapproval and noted that there had been no representation since November.

Chairman Spencer stated that the Board expects the ABC Board to be present at the next Board Meeting. Commissioner Styron made a motion to discuss the financials and to receive the report and update from the ABC Board at the February 7, 2011 Board Meeting. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Public Comments:

Chairman Spencer called for comments from the public.

There were no public comments.

Appointments

Appointment of Clerk to the Board

Commissioner Swindell made a motion to appoint Mazie Smith as Clerk to the Board to replace outgoing clerk David M. Smitherman effective February 1, 2011. Ms. Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Appointment of NCDOT Comprehensive Transportation Plan Committee

Chairman Spencer made a motion for each Board member to nominate one candidate to be on the CTP Committee and to use 5 original members from the Ocracoke Transportation Committee at the next regularly scheduled Board Meeting on February 7, 2011. Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Appointment of Contracting Officer

Commissioner Byrd made a motion to appoint Mazie Smith as Contracting Officer and remove David Smitherman for the following ongoing projects:

Project	Responsibility
1) Engelhard Water Treatment Plant	Clint Berry, Utilities Department
2) Far Creek Maintenance & Dredging (project closed, but more work proposed)	Kris Noble, Grants Technician
3) Revolving Loan Fund	Alice Keeney, Planner/Developer
4) CDBG and HMGP Projects	Alice Keeney, Planner/Developer
(all managed by Holland Consulting Planner, Inc., but signed off by County Manager)	
5) Swan Quarter Dike Project – Phase XIII (this phase will be handled by NRCS)	Kris Noble, Grants Technician
6) Mattamuskeet Lodge Sewer Project	Clint Berry, Utilities Department Kris Noble, Grants Technician

7) Engelhard Airport Project
Officer

Jessica Gibbs, Finance

8) STEP Grant Projects (4)

Alice Keeney, Planner/Developer

- i. Nature Trail
- ii. Historic Courthouse
- iii. RV Park & Boat Ramp
- iv. Marketing Plan

Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Ordinances and Resolutions:

Engelhard Water Treatment Plant Project Ordinance #129-Amendment #2

The project ordinance needs to be amended to include the Swamp Road waterline installation and match the capital project. Commissioner Swindell made a motion to approve the Engelhard Water Treatment Plant Project Ordinance #129-Amendment #2. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Resolution Authorizing the Issuance and Sale of Water and Sewer System Revenue Bonds

USDA Bond Resolution authorizing the issuance and sale of \$1,420,000 in water and sewer system revenue bonds for the County of Hyde to support the financing of the recently constructed Engelhard Water Treatment Plant Project. Commissioner Byrd made a motion to approve the Resolution Authorizing the Issuance and Sale of Water and Sewer System Revenue Bonds. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Other Matters

Rules and Regulations of the Hyde County Water System

In section II. C. (1-3) Tap-on Fee. In the past USDA has set the price for the tap-on fee when installing a waterline with their funds but for the Swamp Rd. waterline installation they are allowing the board to set the tap-on fee because we are using Hyde County funds to fund about half the project. The fee is currently \$50. Commissioner Swindell made a motion to proceed with the tap-on fee as \$50 to be consistent with everyone. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Request to Advertise for and Hire a Public Health Educator II for Hyde County

On December 28, 2010 the Kate B. Reynolds Charitable Trust approved a \$300,614 grant for operating funds to support community-wide active and healthy living programs targeting low-income individuals in Hyde County as described in the Community Change Model grant application submitted by the Hyde County Health Department on September 15, 2010. An additional \$30,061 was approved for indirect expenses for a total grant of \$330,675. The grant will be paid over a three year period of time, and will be subject to the availability of funds. The overall focus of the community change project is to reduce childhood and adult obesity in Hyde County through the provision of support systems for physical activity and healthy eating. The most current data available for Hyde County indicate that one in five children entering kindergarten is obese, and nearly two-thirds of the adults in the county are overweight, with 31% of adults being obese. Included in the grant was the hiring of a Public Health Educator II to coordinate the community and school-based activities as outlined in the Community Change Model grant application. Funding was approved for 1 full-time equivalent (FTE) for year one, 0.75 FTE for year two, and 0.50 FTE for year three. The portion of salary/fringe not covered by the KBR grant in years two and three will be supplemented by funding the Health Department currently receives from the Division of Public Health, Chronic Disease and Injury/Physical Activity and Nutrition Branch, Activity #503 – NC Statewide Health Promotion Program: Physical Activity, Healthy Eating and Avoidance of Tobacco Use. Commissioner Swindell made a motion to advertise for and hire a Public Health Educator II for Hyde County. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Budget Revisions

Interim County Manager David Smitherman reported to the Board that in accordance with the FY 2010-2011 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

DSS---\$9,104.00---This is money received from state for crisis intervention.
\$9,104.00 does increase the budget.

Water Dept.---\$87,622.89---This is to fund the Engelhard Water Treatment Plant Swamp Road water line installation. **\$87,622.89 does not increase the budget.**

Elections---\$1,400.00---This is to cover the cost of ballots for the November election.
\$1,400.00 does not increase the budget.

Solid Waste---\$20,958.00---This is a grant provided by NC Dept of Natural and Environmental Resources for the purpose of recycling electronics, glass and mercury.
\$20,958.00 does increase budget

Ocracoke---\$7,500.00---This was an oversight by the County Finance Officer. Attached is the approval letter and the request. **\$7,500.00 does increase budget**

Commissioner Swindell made a motion to approve the budget revisions. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Clint Berry, Utilities Director, expressed his difficulty in collecting solid waste fees on Ocracoke because some customers simply aren't paying. Mr. Berry said that the Island isn't tied into a water system like the mainland so therefore he is unable to cut off water on the Island if there are delinquent bills.

Commissioner Byrd made a motion to allow Mr. Berry to collaborate with County Attorney, Holscher and to collect on delinquent solid waste bills at his own discretion, taking legal action as he sees fit. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Ocracoke Occupancy Tax Community Radio Budget Revision

Due to a housekeeping error, this item needs approval to be included in current budget. According to the Occupancy Tax Board deliberations, the funds of \$7,500 shall be used towards the purchase of a portable electric generator. Commissioner

Byrd made the motion to approve the Ocracoke Occupancy Tax Community Radio Budget Amendment. Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Mid-year Budget Amendment

Interim Manager, David Smitherman, presented to the Board a proposed wholesale amendment of the County's FY 2010-11 General Fund budget. This amendment considers the first full six (6) months of County expenditures and revenues. Adjustments are proposed to many operating line items in various departments adjusts revenue estimates to more accurately reflect changing conditions. Of particular note, this amendment proposes the replenishment of the General Contingency line item by \$95,969.39. Commissioner Tunnell made a motion to approve the mid-year budget amendment. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

EMS On-Call Discussion

Chairman Spencer requested tabling the issue until the new Operations Director begins work.

Street Name Approval

Commissioner Swindell made a motion to approve all street names as requested by Mr. Charles Gibbs. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

County Manager's Report

Interim County Manager, David Smitherman mentioned that the Operations Director is scheduled to start Monday, January 24, 2011.

He discussed the need for a meeting of the Airport Committee, Board, and Department of Aviation at the beginning of February.

Smitherman noted that the Essentials of County Government Classes were to be held on February 9-10, 2011 and recommended that all Commissioners attend.

Lastly, Smitherman stated that he enjoyed working with the county and that he was honored to work for such a great place, with great people.

Chairman Spencer thanked Mr. Smitherman for his leadership and stated that he led us admirably.

Commissioner Reports

Commissioner Styron thanked Mr. Smitherman for all his hard work and thanked Mrs. Smith for coming on board.

Commissioner Tunnell stated that he attended the NC Grain Conference in New Bern and that Hyde County was well represented. Crop prices seem to be looking good. Mr. Tunnell also looks forward to working with Mrs. Smith.

Commissioner Swindell welcomed Mrs. Smith.

Commissioner Byrd welcomed the new County Manager, Mrs. Smith.

Commissioner Spencer said that she feels that we have a good selection of people to work with and looks forward to the future.

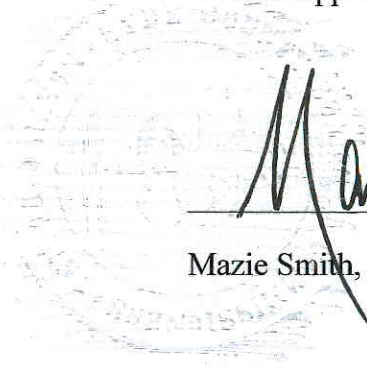
Interim County Manager, Mazie Smith said that she had a great visit to Ocracoke and enjoyed meeting the people. Mrs. Smith also mentioned that she has been around and met with all the County employees and is very impressed with the teamwork and is interested in increasing employee morale.

Commissioner Byrd made a motion to adjourn the January 18, 2011, Regular Meeting of the Hyde County Commissioners. Commissioner Tunnell seconded the motion.

The January 18, 2011 Regular Meeting of the Hyde County Board of Commissioners adjourned at 9:10 PM.

Respectfully submitted:

Minutes approved on the 7th day of February, 2011


Mazie S. Smith

Mazie Smith, Clerk - Hyde County Board of Commissioners

Sharon P. Spencer

Sharon Spencer, Chairman – Hyde County Board of Commissioners